

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vera Kreutzmann et al.
Serial No.: 10/574,517
Confirmation No.: 6948
Filed: June 20, 2007
For: INHALATION THERAPY DEVICE COMPRISING A VALVE
Examiner: K. Chu
Art Unit: 3771

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: August 18, 2010

Signature: Doris A. Champagne (Doris A. Champagne)

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This responds to the Requirement for Election of Species mailed July 21, 2010 in the above application.

The Examiner asserts that the application contains claims directed to the following patentably distinct species:

- I. Figure 2a-2c; and
- II. Figure 7a-7b.

In response, Applicant hereby elects Species I, Figure 2a-2c, for prosecution in the present application. The Applicant submits that claims 1-13, 15, 17-30, 32-35 and 37-43 read on the elected species.

Applicant submits that the requirement for election of species is improper. In particular, the limitation that at least two units are injection moulded as a single part in Species I and Species II form a common technical feature, which contributes over the prior art. Accordingly, withdrawal of the requirement for election of species is respectfully requested.

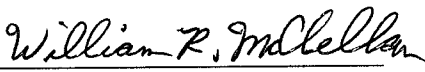
Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. P0777.70007US00 from which the undersigned is authorized to draw.

Dated: August 18, 2010

Respectfully submitted,

By 
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